

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CATHERINE J. BYRNES : CIVIL ACTION  
v. :  
JO ANNE BARNHART, : NO. 05-2710  
Commissioner of Social Security :  
Administration :  
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:

**ORDER**

AND NOW, this 14th day of December, 2005, upon consideration of Plaintiff's Motion for Summary Judgment (Doc. No. 9), Defendant's Motion for Summary Judgment (Doc. No. 13), and Magistrate Judge P. Hart's Report and Recommendation (Doc. No. 16) — to which no objections have been filed — it is ORDERED as follows:

1. The Report and Recommendation is **APPROVED and ADOPTED**.
2. Defendant's Motion for Summary Judgment is **DENIED**.
3. Plaintiff's Motion for Summary Judgment is **GRANTED in part** and the matter is remanded for further development of the record and the taking of additional vocational testimony.

The Clerk of Court shall close this matter for statistical purposes.

BY THE COURT

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PAUL S. DIAMOND, J.